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ATTORNEY'S DOCKET NO.: 2003946-0049 (Fractalkine US NATL; OP1254-US)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Imai, et al. Examiner:
Serial No.: 09/963,316 Art Unit: 1642
Filing Date: September 25, 2001
Title: USES OF ANTI-CX3CR1 ANTIBODY, ANTI-FRACTALKINE
ANTIBODY AND FRACTALKINE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

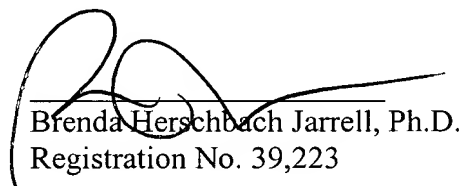
TRANSMITTAL LETTER

Enclosed are the following documents:

1. Petition for Withdrawal of Notice of Incomplete Nonprovisional Application, and Reinstatement of Notice to File Missing Parts;
2. one check in the amount of \$130.00 for fee as set forth in 37 C.F.R. §1.17(h); and
3. a return postcard

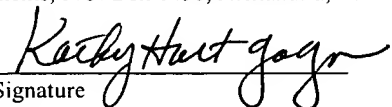
If any additional fees are required to be paid or if any overpayment has been made, please charge same to Deposit Account No. 03-1721.

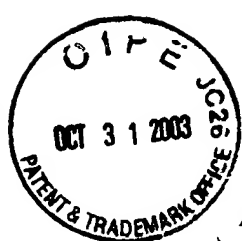
Respectfully Submitted,


Brenda Herschbach Jarrell, Ph.D.
Registration No. 39,223

CHOATE, HALL & STEWART
Exchange Place
53 State Street
Boston, MA 02109
(617) 248-5000

Dated: October 28, 2003

Certificate of Mailing	
I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450	
October 28, 2003	
Date	Signature
Kathy Hart Gagnon	
Typed or Printed Name of person signing certificate	



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Sir:

**PETITION FOR WITHDRAWAL OF NOTICE OF INCOMPLETE NONPROVISIONAL
APPLICATION, AND REINSTATEMENT OF NOTICE TO FILE MISSING PARTS**

The above-referenced was filed on September 25, 2001. Enclosed behind Tab A is a copy of the stamped, returned postcard indicating that 29 pages, including the specification and 14 claims were received, as were 10 pages of drawings. The filed specification was in Japanese.

On October 29, 2001, a Notice to File Missing Parts was issued in the case, requesting an executed oath or declaration. Apparently through error on the part of the Patent and Trademark Office, the Notice to File Missing Parts did not require submission of a translation of the specification.

On December 28, 2001, a Response to Notice to File Missing Parts was mailed, including an executed Declaration and a certified copy of the Japanese priority document.

On March 6, 2002, a Withdrawal of Previously Sent Notice was issued, withdrawing the Notice to File Missing Parts in favor of a Notice of Incomplete Nonprovisional Application. The Notice of Incomplete Nonprovisional Application indicated that a filing date would not be given to the application because the application was said to be filed without a specification. The Notice of Incomplete Nonprovisional Application also indicated that an English translation of the specification was required.

The Notice of Incomplete Application was issued in error. As indicated by the stamped postcard (see Tab A), a complete specification *was* submitted as of September 25, 2001.

On the other hand, the original Notice to File Missing Parts was also issued in error, as it

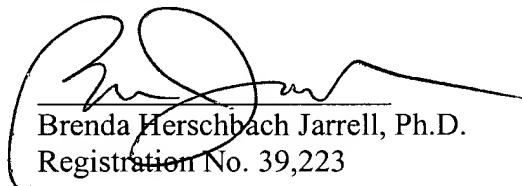
failed to request a translation of the specification. Applicant respectfully submits that the Notice of Incomplete Nonprovisional Application should be withdrawn and the Notice to File Missing Parts should be reinstated, adding the requirement for a translation of the specification.

A translation of the specification was submitted on March 11, 2002 within the statutory period for responding to the Notice to File Missing Parts. A proper three month extension of time was also submitted.

Applicant notes that recent mailings from the United States Patent and Trademark Office have properly credited this application with its September 25, 2001 filing date. Nonetheless, in order to ensure a completely accurate record, Applicant respectfully requests that the Notice of Incomplete Nonprovisional Application be formally withdrawn.

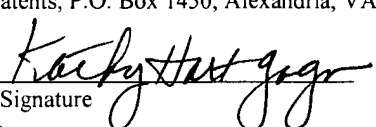
Applicant has included the \$130.00 petition fee required under 37 CFR 1.17(h) herewith; if any additional fees are required to be paid, or if any overpayment has been made, please charge or credit same to Deposit Account No. 03-1721.

Respectfully Submitted,


Brenda Herschbach Jarrell, Ph.D.
Registration No. 39,223

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53 State Street
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October 28, 2003	
Date	Signature
Kathy Hart Gagnon	
Typed or Printed Name of person signing certificate	

UTILITY/DESIGN PATENTDate: 09/25/01

(application)

Rec'd in the U.S.P.T.O. on the date stamped hereon via:

Express Mail #: EL 721584553 US Atty: D. Altman/K. AraiAtty. Dkt. # TOYAM77.001AUS Applicant: T. Imai, et al.Title: USES OF ANTI-CX3CR1 ANTIBODY, ANTI-FRACTALKINE..VERIFIED BY: Asst: Hiroko Isetani Quality Control: 

- ☒ Patent Appln. in 29 pgs. incl. Spec and 14 Claims
☒ Transmittal ~~in duplicate~~ 10 pgs. of Drawings
☐ Preliminary Amendment in ___ pgs. ☐ Power of Atty. by assignee;
☐ Decl. and Power of Atty. copy of Assignment
☐ Decl. by Inventor(s) ☐ Small Entity Statement(s)
☒ Filed ~~signed~~ unsigned
☐ Assignment in ___ pgs.
☐ Information Disclosure Statement; PTO-1449 w/ ___ Ref(s)
☒ Check for \$ 1,190.00 Filing Fee
☐ Check for \$ _____ for Assignment
☐ _____

☒ Return PostcardJ1040 U.S. PTO
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